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Senate Bill _____
By _____

House No. HB0803
By Whitson

AN ACT to amend Tennessee Code Annotated, Title 49, Chapters 8 and 9, relative to attendance of out-of-state students at Tennessee institutions of higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-8-102, is amended by deleting the section in its entirety and substituting the following:

Section 49-8-102

- (a) Persons who otherwise meet admission requirements may be admitted to a state college or university without tuition, if they are residents of the state, or if they are nonresidents whose bona fide place of residence is in a county of another state lying within thirty (30) miles of the city in which the main campus of the state college or university is located. To qualify for admission to a state college or university a non-resident must comply with all the requirements of this section.

(b)(1) Nonresidents of the state who meet the conditions for entrance to any of the institutions under the control of the state university and community college system may be admitted on payment of such tuition rates as the board of regents of the state university and community college system may prescribe.

(c) Nonresidents who otherwise meet requirements for admission and who are admitted to a university or a two-year institution of the state university and community college system may be admitted to such institution without tuition subject to the following limitations:

(1) Such nonresidents admitted without tuition shall not exceed three percent (3%) of the full-time equivalent undergraduate attendance of the institution; provided, however, Austin Peay is permitted to admit either three hundred sixty-five (365) full-time equivalent students or three percent (3%), whichever is greater;

(2) The nonresident applicant must have his bona fide place of residence in a county which is within a thirty (30) mile radius of the city in which the main campus of the institution is located as determined by the Tennessee higher education commission;

(3) The Tennessee higher education commission has the authority to determine the number of affected students, and every three (3) years an adjustment may be made to the number of nonresident students admitted according to this subsection; and

(4) In the case of any question of admission between applicants who are residents of Tennessee and applicants who are not residents of Tennessee, the preference in admission shall be given to Tennessee residents who are equally qualified relative to nonresident applicants.

(5) This section applies only to undergraduate students;

(6) The institutions shall use criteria which give preference to academically talented students and which improve the desegregation efforts;

(7) Institutions included under the provisions of this act are:

Austin Peay State University

Chattanooga State Technical Community
College

Cleveland State Community College

Dyersburg State Community College

East Tennessee State University

University of Memphis

Motlow State Technical Community College

Northeast State Technical Community
College

Shelby State Community College

State Technical Institute of Memphis

Volunteer State Community College

Walters State Community College; and

(8) The governing board may waive out-of-state tuition for students enrolled in the 1994-95 academic year who may not meet the provisions of this subsection until such students complete or withdraw from the program.

SECTION 2. Tennessee Code Annotated, Section 49-9-1001, is amended by deleting subsection (c) in its entirety.

SECTION 3. Tennessee Code Annotated, Section 49-9-105, is amended by designating the present section to be subsection (a) and by adding a new subsection (b), as follows:

(b)(1) The nonresident applicant must have his bona fide place of residence in a county which is within a thirty (30) mile radius of a main campus of the University of Tennessee system;

(2) This section applies only to undergraduate students;

(3) The institutions shall use criteria which give preference to academically talented students and which improve the desegregation efforts;

(4) In the case of any question of admission between applicants who are residents of Tennessee and applicants who are not residents of Tennessee, the preference in admission shall be given to Tennessee residents who are equally qualified relative to nonresident applicants;

(5) Such nonresidents admitted without tuition shall not exceed three percent (3%) of the full-time equivalent undergraduate attendance of the institution;

(c) Institutions included under the provisions of this act are:

University of Tennessee at Chattanooga

University of Tennessee at Martin

University of Tennessee, Memphis

(d) Nonresidents of the state who meet the conditions for entrance to any of the institutions under the control of the University of Tennessee system may be admitted on payment of such tuition rates as the board of trustees of the University of Tennessee system may prescribe.

(e) The governing board may waive out-of-state tuition for students enrolled in the 1994-95 academic year who may not meet the provisions of this subsection until such students complete or withdraw from the program.

SECTION 4. Any additional expense incurred by institutions of higher education in implementing the provisions of this act, shall be met by the institutions for the 1995-1996 fiscal year through funds otherwise available for the operation of public higher education institutions in the 1995-1996 fiscal year.

SECTION 5. This act shall take effect July 1, 1995, the public welfare requiring it.